



VILLAGE OF PERTH-ANDOVER

ZONING BY-LAW

BY-LAW NO. L-7

APRIL, 2021

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# **VILLAGE OF PERTH-ANDOVER ZONING BYLAW**

## **BY-LAW NO. L-7**

### **PART 1: TITLE AND SCOPE**

- 1) This by-law may be cited as the “Village of Perth-Andover Zoning Bylaw”.
- 2) This by-law applies to the Village of Perth- Andover municipal boundaries.
- 3) For purposes of this by-law, the Village is divided into zones as delineated on the Village of Perth-Andover Zoning Map, Schedule A, attached hereto.

(NOTE: All numerical requirements are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between the metric and the imperial occurs, the metric measurement shall prevail.)

### **PART 2: DEFINITIONS**

In this Plan the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

- 2.1 ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.
- 2.2 ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and dependent upon a main use of land or buildings and located on the same lot and includes home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts, any of which may be carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling to such occupations.
- 2.3 ACT means the Community Planning Act, Bill 45, SNB, 2017 and amendments thereto.
- 2.4 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this Plan, such shall not include a kennel or cattery.

2.5 ADULT ENTERTAINMENT ESTABLISHMENTS means an establishment or part thereof which provides goods or services, including activities, facilities, performances, exhibitions, viewing and encounters, the principle characteristic of which is the nudity or partial nudity of any person.

- 2.6 ALTERATION means any change in a structure component or any increase in the volume of a building or structure.
- 2.7 ATTACHED BUILDING means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.8 AUTOMOBILE BODY SHOP means a building or a clearly defined space on a lot used for the storage, repair, and servicing of motor vehicles including body repair, painting and engine rebuilding but does not include an automobile service station or an automobile sale establishment.
- 2.9 AUTOMOTIVE REPAIR OUTLET means a building or part of a building or a clearly defined space on a lot used for minor or major repair of motor vehicles and may include muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, and other customizing activities directly related to the repair or alteration of motor vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels, nor does it include an automobile body shop.
- 2.10 BASEMENT means that portion of a building between two floors which is partially underground and which has at least one-half of its height from the finished ceiling above grade.
- 2.11 BED & BREAKFAST/ TOURIST HOME means a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the traveling public, notably tourists.
- 2.12 BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board, for monetary gain, to more than three persons, exclusive of the owner of the building or members of his family.
- 2.13 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes.
- 2.14 CARPORT means a building or structure which is not wholly enclosed and is used for the parking or storage of private passenger vehicles.
- 2.15 CAR WASH means a building or structure containing one or more wash bays, attended or unattended by

staff, wherein vehicles are washed. The car wash may operate on its own or in conjunction with an automobile service station.

- 2.16 CEMETERY means the use of land primarily as landscaped open space in the placement of grave sites. Chapels, Churches crematoria, funeral home establishments and related facilities may be incorporated as accessory uses.
- 2.17 COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles.
- 2.18 COUNCIL means the Council of the Village of Perth-Andover.
- 2.19 COMMITTEE means the Planning Advisory Committee of the Village of Perth-Andover as established by the Council.
- 2.20 CONVENIENCE STORE means a retail store which serves the daily or occasional needs of residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines, videos and newspapers.
- 2.21 DEVELOPMENT means development defined as in the “Act”.
- 2.22 DEVELOPMENT OFFICER means the officer of the Village of Perth-Andover from time to time charged by the Village with the duty of administering the provisions of this Plan.
- 2.23 DRIVE-IN BUSINESS AUTOMOTIVE means an establishment providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles where the customer typically remains within his vehicle or waits on the premises. Typically uses include automatic or coin operated car washes, rapid lubrication shops, appraisal, or specialty repair establishments.
- 2.24 DWELLING
- (a) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel or hostel.
- (b) Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary

facilities are provided for the exclusive use of such persons.

- (c) Dwelling, Single Unit means a building which is a completely detached dwelling unit and having a minimum width of any main wall of not less than 6.1 m (20 feet) .
- (d) Dwelling, Mini means a building unit that is designed to be used with or without a permanent foundation as a dwelling for humans, that has a width of less than six metres throughout its entire length exclusive of steps or porches, that is not fitted with facilities for towing or to which towing apparatus can be attached and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration.
- (e) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer and at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and having a width of five metres or less and located on the site on wheels, jacks or similar supports, or on a permanent foundation. For the purpose of this By-law, the removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.
- (f) Dwelling, Two Unit means a building containing two dwelling units.
- (g) Dwelling, Multiple Unit means a building containing three or more dwelling units.
- (h) Dwelling Unit, Accessory means a dwelling unit which is secondary to the principal dwelling unit and contained in the basement or cellar of the same building.
- (i) Dwelling, Rowhouse means a dwelling containing at least three and no more than six dwelling units, such units being constructed adjoining with common walls, and not one above the other, with individual entrances from the street level directly.

2.25 ENTERTAINMENT USE means any building or part of a building which is used for commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall, but specifically limiting the generality of the foregoing does not include an adult entertainment establishment.

2.26 ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition,

deletion, enlargement or extension.

- 2.27 ESTABLISHED GRADE means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority.
- 2.28 EXISTING means in existence on the effective date of this Plan.
- 2.29 FLOOD RISK AREA means the flood plain, or portion thereof, mapped and designated as an area subject to occasional flooding for the purpose of administering public policy and programs. The Flood Risk Area is usually defined by a major past flood event, an envelope of past flooding, or by the statistically defined flood which would occur on average once in 100 years ( or an area which has 1 % probability of being flooded in any given year).
- 2.30 FLOODWAY means the area normally occupied by the river in which most of the floodwaters are conveyed and where water velocities are typically high and damages are often excessive. For purposes of this by-law, the Floodway is defined as that land area lying at or below 83.2 metres in elevation.
- 2.31 FLOODWAY FRINGE means the portion of the flood plain outside of the floodway but still subject to flooding, generally by water with little or no velocity. For purposes of this by-law, the Floodway Fringe is defined as that area of land lying between 83.2 and 85.2 metres in elevation.
- 2.32 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, related vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products
- 2.33 GARDEN SUITE means a portable detached dwelling unit which is designed to be temporarily placed in the yard of an existing single unit detached dwelling and removed when it is no longer occupied by the party for whom it was established.



- 2.34 GAS BAR means an establishment where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items. “Automotive Repair Outlet” is a separate use.
- 2.35 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
- 2.36 HEIGHT means the vertical distance of a building between the established grade and highest point of the roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs.
- 2.37 HABITABLE SPACE means the space within a dwelling unit in which living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, workshops and recreational rooms located in a basement or cellar.
- 2.38 HOME BUSINESS means a secondary use on a lot that contains a single - family dwelling, which use may entail an office in the dwelling and does entail the storage of not more than a total of 3 commercially licenced vehicles or pieces of equipment for the purpose of performing work at other locations.
- 2.39 HOME OCCUPATION means an accessory business use conducted by the resident in a portion of a dwelling unit not exceeding 20 % of the floor area. Refer to subsection 4.1.3 for further requirements pertaining to this use.
- 2.40 HOTEL/MOTEL means a commercial building providing temporary accommodations for travelers or transients on a year-round basis, and may have a public dining room and convention room.
- 2.41 IN-LAW SUITE means an apartment contained within a principle single detached dwelling designed to be a temporary living unit and is internally accessible from the main dwelling unit.
- 2.42 KENNEL means a building or structure used for the enclosure of more than two (2) dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.
- 2.43 LANDSCAPED OPEN SPACE means a portion of a lot area which is not used for buildings, structures, parking spaces and driveways and which consists of grass, flower beds, shrubbery, other forms of natural landscaping, or a combination thereof.

- 2.44        **LOADING SPACE** means an area of land provided and maintained upon the same lot or lots upon which the main use is located, and which has adequate access to permit ingress and egress by means of driveways, aisles or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.
- 2.45        **LOT** means a parcel of land, whether or not it is shown as a lot on a filed plan of subdivision, which is occupied or to be occupied by one or more main buildings, structures or uses, and including all yards and landscaped open spaces required by this Plan.
- (a)        **Corner Lot** means a lot situated at the intersection of, and abutting on, two or more streets.
- (b)        **Through Lot** means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this Plan.
- (c)        **Interior Lot** means a lot other than a corner lot.
- 2.46        **LOT AREA** means the total horizontal area within the lot lines of a lot.
- 2.47        **LOT DEPTH** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.
- 2.48        **LOT FRONTAGE** means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a day lighting triangle, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.
- 2.49        **LOT LINE**
- (a)        **Lot Line** means a boundary or exterior line of a lot.
- (b)        **Front Lot Line** means the line dividing the lot from the street or from the unlisted traveled way; and
- (i)        in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or

- (ii) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
- (c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
- (d) Side Lot Line means a lot line other than a front or rear lot line.
- (e) Flankage Lot Line means a side lot line which abuts the street on the corner lot.
- 2.50 MAIN BUILDING means the building in which is carried on the principal purpose or purposes for which the building lot is used.
- 2.51 MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.
- 2.52 MEDICAL AND HEALTH OFFICE means an establishment used by qualified medical practitioners and staff, for the provision of medical and health care on an outpatient basis. This term refers to such uses as medical or dental offices, occupational health and safety offices, physiotherapy services, counseling services, chiropractic services and ancillary clinic counseling services, but does not include veterinary services.
- 2.53 MUNICIPALITY means the Village of Perth-Andover.
- 2.54 NEIGHBOURHOOD DAYCARE CENTRE means an establishment for the provision of care and supervision of 6 to 15 children operating in a residential area, as regulated under The Family Services Act (NB Regulation 83-85)
- 2.55 NURSING HOME means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons.
- 2.56 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

- 2.57 OPEN SPACE means land which is inappropriate for development by reason of having inherent or natural hazards such as susceptibility to flood or erosion which, if developed, may cause property damage or loss of life. “Landscaped Open Space” is a separate definition.
- 2.58 OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are, or which are similar to other goods which are, available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.
- 2.59 OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.
- 2.60 PARKING LOT means an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.
- 2.61 PARKING SPACE means an area of not less than 18.5 square metres (200 square feet), measuring 3.0 metres (10 feet) by 6 metres (20 feet), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
- 2.62 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlors, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and dry-cleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.
- 2.63 PLAN means the Municipal Plan of the Village of Perth-Andover.
- 2.64 PUBLIC PARK means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of New Brunswick.

- 2.65 RECREATION USE means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles or any animals.
- 2.66 RE-CYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot.
- 2.67 RESIDENTIAL CARE FACILITY means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Services Act, or by any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.
- 2.68 RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.
- 2.69 SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage.
- 2.70 SCREENING means the use of landscaping, fences or berms to visually and/or audibly separate areas or uses.
- 2.71 SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles and may include washing establishments.
- 2.72 SETBACK means the minimum horizontal distance between the site boundary and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if specified elsewhere in this Plan.
- 2.73 SHOPPING CENTRE means a commercial development consisting of more than one business establishment

which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing retail uses, banks and financial institutions, restaurants, food and grocery stores, and office uses and distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways.

- 2.74 SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any “signs” which are affixed to the inside of a window or glass door.
- 2.75 STOREY means that portion of a building which is situated between the top of any floor and the top of the next above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.
- 2.76 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick or the Village of Perth-Andover.
- 2.77 STREET LINE means the boundary line of a street.
- 2.78 STRUCTURE means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.
- 2.79 UTILITY SERVICE means the component of a water, sewage, storm water or solid waste disposal, cable television, electrical power, or telecommunications system.
- 2.80 VETERINARY CLINIC means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.
- 2.81 WAREHOUSE means a building used primarily for the storage of goods and materials.

- 2.82        WAREHOUSING AND DISTRIBUTION CENTRE means a building used for the storage, wholesaling and distribution of goods and materials.
- 2.83        WATERCOURSE means any lake, river, stream, ocean or other body of water.
- 2.84        WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional, and commercial users or to retailers or other merchants mainly for resale or business use.
- 2.85        YARD means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining the minimum yard measurements, the minimum horizontal distance from the respective lot lines shall be used.
- (a)        Front Yard means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and “required front yard” or “minimum front yard” means the minimum depth required by this Plan of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.
- (b)        Rear Yard means a yard extending across the full width of a lot and between the rear lot line and nearest wall of any main building or structure on the lot; and “required rear yard” or “minimum rear yard means” the minimum depth required by this Plan of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.
- (c)        Side Yard means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building on the lot; and “required side yard” or “minimum side yard” means the minimum breadth required by this Plan of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.
- (d)        Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and “required flankage yard” or “minimum flankage yard” means the minimum side yard required by this Plan where such yard abuts a street.

PART 3: GENERAL PROVISIONS FOR ALL ZONES

3.1.1 PERMITS

- (a) No development shall be permitted unless all the provisions of this Plan are satisfied.
- (b) Any permit (i.e., building permit) shall be in force for a period of one year from the date of issue and any permit may be re-issued upon request and subject to review by the Development Officer.
- (c) Notwithstanding Subsection (a), no permit shall be required for the following:
  - (i) any accessory building or structure which has less than 19 square metres (200 square feet) of gross floor area; and
  - (ii) any sign permitted according to Section 15.1.2 of this Plan.

3.1.2 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

- (a) Nothing in this Plan shall exempt any person from complying with the requirements of the Building By-law or any other by-law in force within the Village, or to obtain any license, permission, permit, authority or approval required by any other by-law of the Village or statute and regulation of the Province of New Brunswick or the Government of Canada.
- (b) Where the provisions in this Plan conflict with those of any other municipal or provincial regulations, by-laws or codes, the higher or more stringent requirement shall prevail.

3.1.3 SEWAGE DISPOSAL AND WATER SYSTEMS

- (a) Where municipal central sewerage and water services are available, no development shall be permitted except where the development is provided with such services.
- (b) Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this Plan shall apply for the purpose of obtaining approval. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the Department of Public Safety shall prevail.

3.1.4 FRONTAGE ON STREET

No person shall erect or use a building or structure or use any lot of land regulated by the Plan unless where the lot or parcel of land intended to be used, or upon which the building or structure is to be erected, abuts and fronts upon a public street or road.



3.1.5 ONE MAIN BUILDING ON A LOT

No person shall erect more than one (1) main building on a lot within any zone except where specifically provided for within this Plan.

3.1.6 EXISTING UNDERSIZED LOTS

Notwithstanding anything else in this Plan, a vacant lot held in separate ownership from adjoining parcels on the effective date of this Plan, having less than the minimum frontage, depth or area required by this Plan, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this Plan are satisfied.

Further, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage, depth, or area required by this Plan. The remainder lot must meet the minimum frontage, depth or area requirements or, where insufficient lot frontage, depth or area already exists, does not have these further reduced.

3.1.7 EXISTING BUILDINGS

Where a building has been erected on or before the effective date of this Plan, on a lot having less than the minimum frontage, area, or depth, or having less than the minimum setback or side yard or rear yard required by this Plan, the building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard that does not conform to this Plan; and
- (b) all other applicable provisions of this Plan are satisfied.

3.1.8 NON-CONFORMING USES

Non-conforming uses shall be subject to Sections 60-61 of the Community Planning Act.

3.1.9 ACCESSORY USES PERMITTED

Where the Plan provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereto.

3.1.10 ACCESSORY BUILDING

3.1.10.1 Accessory uses, buildings and structures shall be permitted in any zone but shall not:

3.1.10.1.1 be used for human habitation except where a dwelling is a permitted accessory use;

3.1.10.1.2 be built closer to the front lot line than the minimum distance required for the main building or be built closer than 2.4 m (8 feet) to any other lot line except that:

(a) in any Residential Zone buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than 1.5 m (5 feet) nor be located in front yard or flankage yard.;

(b) common semi-detached garages may be centered on the mutual side lot line;

(c) boat houses and boat docks may be built to the lot line when the line corresponds to the high water mark; and

3.1.10.1.3 accessory buildings and structures in a Institutional, Commercial and Industrial Zone shall not be built closer to any side or rear lot line than 2.4 m.(8 feet) or one half (½) the height of such building or structure, whichever is the greater.

(i) exceed 4.6 m (15 feet) in height in any Residential Zone;

(ii) exceed 84 sq. m (904 square feet) in any Residential zone; nor

(iii) be built within 2.4 m (8 feet.) of the main building within any Residential Zone or 3.7 m (12 feet) in any other zone.

3.1.11 TEMPORARY DEVELOPMENT AND/OR LAND USE PERMITTED

Nothing in this Plan shall restrict the Planning Advisory Committee from authorizing, subject to such terms and conditions as it considers fit, a temporary development otherwise prohibited by this By-law for a period not exceeding one year, and similarly from requiring the termination of a temporary development at the end of the authorized period.

3.1.12 VEHICLE BODIES

No truck, bus, coach or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building, except as specifically permitted by other legislation.

3.1.13 RESTORATION TO A SAFE CONDITION

Nothing in this Plan shall prevent the strengthening or restoring to a safe condition of any building or structure.

3.1.14 BUILDING TO BE MOVED

No building, residential or otherwise, shall be moved within or into the area covered by this Plan without obtaining approval from the Development Officer.

3.1.15 HEIGHT REGULATIONS

The height regulations of this Plan shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills or solar collectors attached to the principle structures except where specifically regulated.

3.1.16 DEVELOPMENT NEAR A WATERCOURSE OR WETLAND

No development shall be permitted within 15 metres (50feet) of a watercourse or waterbody, notwithstanding this, the New Brunswick Regulation 90-80, Wetland and Watercourse Alteration Regulation-Clean Water Act; the New Brunswick Regulation 90-136 under the Clean Water Act apply throughout the Village.

3.1.17 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line or when the side lines of a lot are not parallel, a minimum lot width which is equal to the minimum lot frontage required by this Plan shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, whose end points are defined by the intersection of said side lines with the minimum setback as required by the applicable provision of this bylaw.

3.1.18 DAY LIGHTING TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than 0.6 m.( 2 feet) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 4.6 m (15 feet) from their point of intersection.

3.1.19 PERMITTED ENCROACHMENTS

The requirements of this Plan with respect to placing, erecting or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for the projections which do not protrude into required yards in excess of:

- (1) (a) 15 cm (6 inches), for sills, leaders, belt courses or similar ornamental features;

- (b) 45 cm (18 inches), for chimneys, smoke stacks or flues;
- (c) 60 cm (24 inches), for cornices or eaves;
- (d) 102 cm (40 inches), for window or door awnings, or open or lattice enclosed fire balconies or fire escapes; or
- (e) subject to subsection (2),
  - (i) 1.2 m, for steps or enclosed porches, or
  - (ii) 1.8 m, for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height.

- (2) Projections mentioned in clause (e) of subsection (i) may not extend into a required yard to a greater extent than one-half of the required width of the yard.

#### 3.1.20 YARD EXCEPTION

Where, in this Plan, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of fifteen (15) percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot lines.

#### 3.1.21 ILLUMINATION

No person shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

#### 3.1.22 PARKING REQUIREMENTS

(a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this Plan. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.

- (i) an off -street parking space shall be an area of not less than 18m <sup>2</sup> (193 sq. ft) measuring 6.0 metres (20 feet) in length and not less than 3.0 metres (10 feet) in width, exclusive of driveways thereto;
- (ii) shall be readily accessible from a public street;
- (iii) shall be located on the lot containing the use for which the spaces are provided.

**USE**

**PARKING SPACE (S) REQUIRED**

(aa) Any dwelling except as specified below	1 space per dwelling unit
(bb) Multiple unit dwellings (except for senior citizen apartments)	1.5 spaces per dwelling unit
(cc) Senior Citizen Multiple Use Dwelling	0.5 space per dwelling unit
(dd) Boarding and rooming houses Bed and Breakfast	1 space per bedroom
(ee) Retail stores, service and personal service shops	1 space per 38 m <sup>2</sup> (400 sq. ft) of gross floor area
(ff) Banks, financial institutions and offices	1 space per 38 m <sup>2</sup> (400 sq. ft) of gross floor area
(gg) Restaurants	1 space per 5 seats
(hh) Shopping Centre	three times the ground floor area of the building
(ii) Licensed restaurants, lounges, taverns and beverage rooms.	the greater of 1 space per 3 seats or 1 space per 100 square feet (10 m <sup>2</sup> ) of gross area
(jj) Theatres	1 space per 5 seats
(kk) Motels / Hotels	Not less than one space for each unit.
(ll) Institutional uses except as specified below	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (10 m <sup>2</sup> ) of gross floor area where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time
(mm) Schools	3 spaces per classroom plus 1 space per 20 high school student

(nn) Hospitals	2 spaces per bed
(oo) Homes for the aged and nursing homes	2 spaces per 5 beds
(pp) Day care facilities	1.5 spaces per 400 square feet (38 m <sup>2</sup> ) of gross floor area
(qq) Medical clinics and offices of any health	5 spaces per consulting room practitioner
(rr) Funeral homes	1 space for every 8 seats with a minimum of 4 spaces
(ss) Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 1000 square feet (93 m <sup>2</sup> ) of gross floor area or 1 space per 4 employees
(tt) Any use not specified above	3 spaces per 1,000 square feet (93 m <sup>2</sup> ) of gross floor area
(b) <u>Reserved Spaces for the Mobility Disabled</u>	

Notwithstanding Section 3.1.22 (a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

(aa) Medical Clinics and offices of any health practitioner	1 reserved parking space for the mobility disabled per 5-15 parking spaces required; additional space for each additional 15 required spaces or part thereof to a maximum of 10.
(bb) Homes for the Aged/Nursing Homes	1 reserved parking space per 20 beds to a maximum of 10
(cc) Multiple Dwellings	1 reserved parking space per 30 units to a maximum of 10.

- (dd) Restaurants and Theatres 1 reserved parking space per 50 seats to a maximum of 10.
- (ee) All other uses 1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10.

(c) Standards for Mobility Disabled Parking Spaces

- (i) each reserved parking space shall contain an area of not less than  $26 \text{ m}^2$  (280 square feet) measuring 4.6 metres (15 feet) by 6.1 metres (20 feet) ;
- (ii) where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than 91.4 metres (300 feet) from the location which it is intended to serve;
- (iii) each reserved parking space shall be located as close as possible to the location it is intended to serve;
- (iv) each reserved parking space shall be clearly identified by a ground sign.

3.1.23 MULTIPLE USE OF SITE

In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking on the site.

3.1.24 STANDARDS FOR PARKING LOTS

A parking lot shall be designed and laid out according to the following:

- (a) be surfaced with a durable and dust-proof material
- (b) the lights used for illumination of the parking lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 4.6 metres (15 feet) in height and not more than  $5 \text{ m}^2$  (50 square feet) in area may be erected on the lot for the use of attendants;
- (d) the parking lot shall be located on the same lot.
- (e) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (f) the parking lot shall have point of ingress and egress located, in the opinion of the Committee with due regard to topography and general traffic conditions;
- (g) be screened from public view, if practical

- (h) be graded and drained in such a manner as to ensure that surface water will not escape onto neighbouring lands; and
- (i) not be used for automotive repair work or servicing except in the case of an emergency.

### 3.1.25 LOADING SPACE REQUIREMENTS

3.1.25.1 The owner of every building, structure or premises used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or the distribution of materials or merchandise shall provide and maintain on lands appurtenant to such buildings, structures or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

- (a) for retail and wholesale stores, bulk storage plants, warehousing or similar uses, for business or office buildings, places of public assembly, schools, hotels or other similar buildings or premises,
  - (i) not less than one space
  - (ii) not less than two spaces if the gross floor area thereof is in excess of 1858 square metres (20,000 square feet) but less than 4645 square metres (50,000 square feet), and
  - (iii) an additional space for each 4645 square metres (50,000 square feet), or fraction thereof in excess of the first 4645 square metres (50,000 square feet); and

3.1.25.2 A loading and unloading space mentioned in subsection 3.1.25.1 shall:

- (i) be not less than 9.0 metres (30 feet) in length and not less than 3.6 metres (12 feet) in width, with 4.2 metres (14 feet) overhead clearance;
- (ii) be so located that merchandise or materials are loaded or unloaded on the premises being served;
- (iii) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
- (iv) be surfaced with a durable and dustproof material.

### 3.1.26 FENCES

Notwithstanding any other provision of this Plan, subject to this section, a fence may be placed or located within a yard

- (1) Except for a security fence of chain link construction, in a Commercial or Industrial zone, no fence located within the required front yard shall exceed 1 metre (3.2 ft) in height.



- (2) Subject to subsection (1), no fence may exceed in height
  - (a) 1.5 metres ( 5 feet), in an Residential zone; or
  - (b) 2.4 metres (8 feet), in any other zone.
- (3) No fence in a Residential zone, except in a Rural Residential, zone may be electrified or incorporate barbed wire or other dangerous material in its construction.

3.1.27 STRIPPING OF TOP SOIL

- (1) Subject to this section, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.
- (2) Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or use.
- (3) Notwithstanding subsection (1), the farming of sod may be carried on where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for the rehabilitation of the land.

3.1.28 SCREENING OF COMMERCIAL, INDUSTRIAL AND MULTIPLE FAMILY DEVELOPMENTS IN PROXIMITY TO RESIDENTIAL AREAS

No lot shall be developed for commercial, industrial, or multiple family residential uses unless visual screening is provided to function as a buffer area between the above land uses and the adjacent properties.

3.1.29 SATELLITE DISHES AND COMMUNICATION TOWERS

Satellite dishes and communication towers shall not be permitted between the building and the street line.

3.1.30 MULTIPLE USES

In any zone, where any land or building is used for more than one use, all provisions of the Plan relating to each use shall be satisfied, except as otherwise provided.

3.1.31 USES PROHIBITED IN CERTAIN YARDS

In all Residential zones the required front-yard setback shall not be used for the storage, or display of any vehicle, boat or other chattel.

3.1.32 COLLECTOR STREETS

The following streets and roads within the Village of Perth-Andover, shall be considered collector streets: Route 105 (East Riverside Drive), Route 130 (West Riverside Drive), Route 190 (Old Fort Road) and Route 109 (From Route 2 to Plaster Rock) which are all Provincial collector streets; and, F. Tribe Road and Fort Road, which are municipal collectors.

3.1.33 PUBLIC UTILITIES

Nothing in this Plan shall prevent the use of any land for public utility services.

3.1.34 DISCLAIMER OF LIABILITY REGARDING FLOODING

The degree of flood protection required by this Plan is considered the minimum necessary and reasonable for regulatory purposes. Large floods may occur at any time, and excessive flood waters may be experienced due to man made and natural causes, such as ice jams and accumulated debris in bridge openings. This Plan does not imply that areas outside of the Floodway Zone or the Floodway Fringe Zone, or uses permitted within such areas, shall remain free from flooding or flood damages. This Plan shall not create a liability on the part of the Village or any officer or employee thereof for any flood damage that results from compliance with or reliance upon this Plan or any administrative decision lawfully made thereunder.

3.1.35 KEEPING OF ANIMALS

In any Residential Zone, only domestic animals, such as dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs, Vietnamese pot Belly pigs and fish, shall be kept.

PART 4 PROVISIONS FOR ALL RESIDENTIAL ZONES

4.1.1 Residential Development Near a Lagoon or Treatment Plant

Notwithstanding any other provision of this Plan, no dwelling, mobile home or mini home may be located within 100 metres (328 feet) of a sewage lagoon or treatment plant.

4.1.2 Private Garages and Carports

(a) Notwithstanding any other Residential zone provision of this Plan a private garage or carport attached to or incorporated in a dwelling, in a Residential zone, shall not exceed 84 square metres (904 square feet) in area.

(b) Where a private garage or carport is attached to or incorporated in a dwelling, it becomes part of the dwelling for purposes of determining the width or depth of a yard.

#### 4.1.3 Home Occupation

(a) Where a home occupation is permitted under this Plan, a home occupation shall be subject to the following requirements:

- (i) no more than one employee is engaged in the business in addition to members of the family resident in the dwelling;
- (ii) the floor area of the dwelling unit which is devoted to it does not exceed 20 percent of the floor area of the dwelling unit;
- (iii) the use is wholly contained within the dwelling and is clearly minor and secondary to the residential use;
- (iv) no change which would indicate that a home occupation is being conducted therein, except for one (1) non-illuminated fascia sign which shall not exceed 0.45 m<sup>2</sup> (4.8 square feet) in gross surface area; or one (1) non-illuminated free-standing sign which shall not exceed 0.45 m<sup>2</sup> (4.8 square feet) in gross surface area.
- (v) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
- (vi) there shall be no external or outside storage of materials or containers to indicate that any part of the property is being used for any purpose other than a single family dwelling.
- (vii) there are no outside animal enclosures.
- (viii) the home occupation shall not generate off-site electrical interference, dust, noise or smoke.
- (vii) two off-street parking spaces are provided, in addition to the parking space requirements of the zone.
- (viii) no Home occupation will be permitted where the lot or building is used for any other secondary use or accessory use of the property.

#### 4.1.4 Neighbourhood Daycare Centre

Where, a Neighbourhood Daycare Centre is permitted under this Plan, a Neighbourhood Daycare Centre shall be subject to the following requirements:

- (i) be restricted to a maximum of 15 children;
- (ii) require that the owner/operator of the Neighbourhood Daycare Centre reside in the dwelling;
- (iii) not be located on any corner lot;
- (iv) be located on a local street which permits on-street parking;
- (v) require that signage comply with the residential sign regulations of this Plan;
- (vi) comply with all Provincial regulations as stated in the Family Services Act of New Brunswick;

- (vii) No Neighbourhood Daycare Centre will be permitted where the lot or building is used for any other secondary use or accessory use of the property.

#### 4.1.5 Accessory Apartment

No permit shall be issued for an accessory apartment, except where:

- (i) The apartment shall be secondary to the main dwelling unit;
- (ii) The unit shall be completely self-contained, including provision for cooking, sleeping and bathing.
- (iii) An accessory apartment will not be permitted where the lot or building is used for any other secondary use or accessory use of the property.

#### 4.1.6 Enclosures for Swimming Pools

- (i) No land may be used for the purposes of a swimming pool unless the pool is completely surrounded by an adequate enclosure of at least 1.5 metres (5 feet) in height. For the purpose of this section, an enclosure means a fence, wall or other suitable structure including self-latching doors and gates designed primarily not to facilitate climbing and to restrict access thereto. Such enclosure should not have rails, bracing or other attachments on the outside that would facilitate climbing. Such enclosure shall be located a minimum of 1.2 metres (4 feet) from the edge of the water contained in the pool.
- (ii) No swimming pool or any portion thereof shall be located directly under any electrical service wires.
- (iii) No swimming pool shall be located in the front setback area.

#### 4.2.7 Requirements for Garden Suites

A Garden Suite may be permitted as a secondary use associated with a single unit dwelling in any residential zone which permits single unit dwellings. These uses shall conform to the following:

- (i) the garden suite be located in the rear yard of a single detached dwelling;
- (ii) does not exceed 1 storey in height;
- (iii) maintain a minimum of 2.4 metre (7.9 feet) rear yard and a minimum 1.5 metre (5 feet) side yard;
- (iv) not be located on any parcel or site which contains two or more permanent dwelling units;
- (v) in the case of a garden suite does not exceed 75 square metres (807 square feet); is temporary and portable;
- (vi) requires a minimum overall lot area required by the zone;
- (vii) require one parking space in addition to the parking required for the principle dwelling;
- (viii) be subject to all other relevant provisions of this Plan; and

- (x) No Garden Suite or an In-Law suite will be permitted where the lot or building is used any other secondary use or accessory use of the property.

#### 4.2.8 Requirements for a Bed and Breakfast/ Tourist Home

Where permitted in Residential Zones, Bed and Breakfast/ Tourist Homes shall be permitted provided that:

- (i) the single unit dwelling is occupied as a residence by the operator of the business;
- (ii) be limited to no more than ten (10) bedrooms in the building;
- (iii) not permit cooking equipment in a room that is used for sleeping accommodation;
- (iv) provide and maintain an easily accessible water toilet, a wash basin and a bath tub or shower served with both hot and cold water for every eight occupants of the Bed and Breakfast/ Tourist Home;
- (v) one non-illuminated fascia sign not exceeding 0.45 square metres (4.8 square feet) in area is permitted; and
- (vi) No Bed and Breakfast/ Tourist Home will be permitted where the lot or building is used for any other secondary use or accessory use of the property

#### 4.2.9 Location of Parking Facilities

No parking spaces shall be located within the required front yard setback in a Residential zone.

#### 4.2.10 Landscaping Requirements

- (a) In any Residential zone, the owner of a lot developed for residential purposes shall landscape:
  - (i) the front yard of the main building;
  - (ii) any required yard that abuts a street;
  - (iii) any part of the lot within 3 metres (9.8 feet) of each building thereon.
- (b) Landscaping mentioned in subsection (i)
  - (i) subject to this section, shall include at least 80 mm of top soil and the seeding thereof, and
  - (ii) may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees.
- (c) A yard mentioned in subsection (a) may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot.

- (d) In the case of multiple unit dwellings, the owner of a lot developed for this purpose shall landscape:
- (i) the front yard of the main building;
  - (ii) any required yard that abuts a street;
  - (iii) any side yard within 15 metres (49.2 feet) of each main building thereon;
  - (iv) any rear yard within 45 metres (147.6 feet) of each main building thereon
  - (v) the landscaping under this section shall be completed not later than one year from the date of the granting of the building permit for the main building located thereon.
  - (vi) as per the requirements of 4.2.10 (b).

## PART 5 RESIDENTIAL ZONES

### 5.1 RESIDENTIAL ZONES

#### 5.1.1 R-1 (Single and Two-Unit Dwelling) Zone

##### 5.1.1.1 R-1 Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

- (a) One of the following main uses:

single unit dwelling  
two-unit dwelling

- (b) Secondary Use (I) One of the following uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of Part 4

- (i) an accessory apartment
- (ii) a garden suite
- (iii) an in-law suite
- (iv) a home occupation
- (v) a bed and breakfast / tourist home
- (vi) a neighbourhood daycare centre
- (vii) a boarding house

(II) A home occupation in conjunction with a permitted two-unit dwelling; subject to the relevant provisions of 4.1.3.

(c) Community Use

The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses.

- (i) a public park and recreational use
- (ii) a public or a private school
- (iii) a church or a church hall
- (iv) a police and/or fire station
- (v) other institutional uses
- (vi) residential care facility

(d) Accessory Use

Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

5.1.1.2 R-1 Zone Requirements

(A) Standard for Single Unit Dwelling:

- (a) the minimum lot area is  $742 \text{ m}^2$  (8000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 24.4 metres (80 ft);
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6.1 metres (20 ft);
- (f) the minimum side yard is 2 metres (6 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

(B) Standards for a Two Unit Dwelling

- (a) the minimum lot area is  $929 \text{ m}^2$  (10,000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 30 metres (100 ft);
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);

- (e) the minimum rear yard is 6.1 metres (20 ft);
- (f) the minimum side yard is 2 metres (6 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

## 5.1.2 R-2 (One Unit, Two Unit and Multiple Unit Dwelling) Zone

### 5.1.2.1 R-2 Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

(a) One of the following main uses:

- single unit dwelling
- a two-unit dwelling
- a multiple unit dwelling
- a rowhouse dwelling

(b) Secondary Use

(I) One of the following uses in conjunction with a permitted single unit dwelling, subject to the relevant provisions of Part 4

- (i) an accessory apartment
- (ii) a garden suite
- (iii) an in-law suite
- (iv) a home occupation
- (v) a bed and breakfast / tourist home
- (vi) a neighbourhood daycare centre
- (vii) a boarding house

(II) A home occupation in conjunction with a permitted two-unit dwelling and a semi-detached dwelling; subject to the relevant provisions of subsection 4.1.3.

(c) Community Use

The Committee may, authorize subject to terms and conditions, the development of any combination of the following community uses.

- (i) a public park and recreational use



- (ii) a public or a private school
- (iii) a church or a church hall
- (iv) a police and/or fire station
- (v) other institutional uses
- (vi) residential care facility

- (d) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

#### 5.1.2.2 R-2 Zone Requirements

##### (A) Standard for Single Unit Dwelling:

- (a) the minimum lot area is 742 m<sup>2</sup> (8000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 24.4 metres (80 ft);
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6.1 metres (20 ft);
- (f) the minimum side yard is 2 metres (6 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

##### (B) Standards for a Two-Unit Dwelling

- (a) the minimum lot area is 929 m<sup>2</sup> (10,000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 30 metres (100 ft);
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6.1 metres (20 ft);
- (f) the minimum side yard is 2 metres (6 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

(C) Standards for a Three Unit Dwelling

- (a) the minimum lot area is 1021 m<sup>2</sup> (11,000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 33.5 metres (110 ft);
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6.1 metres (20 ft);
- (f) the minimum side yard is 2 metres (6 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

(D) Standards for a Rowhouse Dwelling

Where a lot mentioned in subsection (c) above, contains a rowhouse dwelling, or is intended for such purpose, it may be subdivided under the subdivision by-law if each lot created thereby has and contains, provided the outside lots also incorporate the required side yards.

- (a) a lot frontage of at least 6 metres ( 20 feet)
- (b) a lot depth of at least 30 m (100 ft)
- (c) a lot area of at least 186 m<sup>2</sup> (2000 ft<sup>2</sup>)

(E) Standards for a Multiple Unit Dwelling

- (a) the minimum lot area is 1115 m<sup>2</sup> (12,000 ft<sup>2</sup>), plus 70 m<sup>2</sup> (750 ft<sup>2</sup>) for each dwelling in excess of four;
- (b) the minimum lot frontage is 37 metres (120 ft), plus 2.3 m ( 7.5 ft) for each dwelling unit in excess of four;
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6.1 metres (20 ft);
- (f) the minimum side yard is 2 metres (6 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);

- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

### 5.1.3 RM-1 (Mobile Home) Zone

#### 5.1.3.1 RM-1 Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

- (a) One of the following main uses:

- a mobile home park
- a mobile home
- a mini-home

- (b) Secondary Use One of the following uses in conjunction with a main use; subject to the relevant provisions of Part 4.

- (i) a home occupation

- (c) Community Use The Committee may authorize, subject to terms and conditions, the development of any combination of the following community

- (i) a public park and recreational use
- (ii) a public or a private school
- (iii) a church or a church hall
- (iv) a police and/or fire station
- (v) other institutional uses

- (d) Commercial Use Notwithstanding, 5.1.3.1, the Committee may permit, subject to terms and conditions, a local convenience store, or a mini or mobile home display court.

- (e) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

#### 5.1.3.2 RM-1 Zone Requirements

##### Standards for Mobile Homes

- (a) the minimum lot area is 371 m<sup>2</sup> (4000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 12 metres (40 ft);
- (c) the minimum lot depth is 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 1.5 metres (5 ft);
- (f) the minimum side yard is 1.5 metres (5 ft);
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) minimum gross floor area of the mobile home is 152 m<sup>2</sup> ( 500 ft<sup>2</sup>)

#### 5.1.4 RM-2 (Mini-Home) Zone

##### 5.1.4.1 RM-2 Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

- (a) One of the following main uses:

a mini - home park  
mini - home

- (b) Secondary Use                      One of the following uses in conjunction with a main use; subject to the relevant provisions of Part 4

- (i) a home occupation

- (c) Community Use                      The Committee may authorize subject to terms and conditions the development of any combination of the following community uses

- (i) a public park and recreational use

- (ii) a public or a private school
- (iii) a church or a church hall
- (iv) a police and/or fire station
- (v) other institutional uses

- (d) Commercial Use Notwithstanding, 5.1.4.1, the Committee may permit, subject to terms and conditions, a local convenience store, or a mini or mobile home display court.
- (e) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

#### 5.1.4.2 RM-2 Zone Requirements

##### Standards for Mini-Homes

- (a) the minimum lot area is 900 m<sup>2</sup> (9687 ft<sup>2</sup>)
- (b) the minimum lot frontage is 30 metres (100 ft) ;
- (c) the minimum lot depth is 30 metres (100 ft):
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6 metres (20 ft);
- (f) the minimum side yard is 1.5 metres (5 ft);
- (g) the maximum height of the main building is 8.5 metres (28 ft).

### 5.1.5 **RR (Rural Residential) Zone**

#### 5.1.5.1 RR Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

(a) The following main use:

a single unit dwelling

(b) Secondary Use

One of the following uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of Part 4.

- (i) an accessory apartment,
- (ii) a garden suite
- (iii) an in-law suite
- (iv) a home occupation
- (v) a home business
- (vi) a kennel or veterinary hospital
- (vii) a private school
- (viii) a private stable
- (ix) a roadside stand for the sale of agricultural produce
- (x) a bed and breakfast / tourist home
- (xi) a convenience store
- (xii) a neighbourhood daycare centre

(c) Community Use

The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses.

- (i) a public park and recreational use
- (ii) a public or a private school
- (iii) a church or a church hall
- (iv) a police and/or fire station
- (v) other institutional uses

(d) Accessory Use

Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

#### 5.1.5.2 RR Zone Requirements

(a) in the case of a lot not serviced by municipal sewer and water services:

- (i) an area of at least 4,000 m<sup>2</sup> (43,057 ft<sup>2</sup>)
- (ii) a frontage of at least 54 metres (180 ft)

(iii) a lot depth of at least 38 metres (125 ft)

(b) in the case of a lot serviced by municipal sewer services but not by municipal water services:

(i) an area of at least 672 m<sup>2</sup> (7,233 ft<sup>2</sup>)

(ii) a frontage of at least 23 metres (75 ft)

(iii) a lot depth of at least 30 metres (100 ft)

(c) notwithstanding any requirements of this Plan with respect to a minimum lot size, a main dwelling or structure permitted in this zone may be placed, erected or altered on a lot that does not meet such requirements, if the lot:

(i) exists on the day this section becomes effective; and

(ii) in the opinion of the district medical health officer, meets the relevant requirements of the Provincial Health Act.

#### 5.1.5.3 RR Yard Requirements

No main building may be placed, erected or altered so that it is:

a) within 1.5 metres (5 ft) of one side lot line or 2.8 metres (9.2 ft) on the other; or

b) within 6.1 metres (20 ft) of the rear lot line except in the case of a corner lot where the minimum yard shall be 1.5 metres (5 ft); and

c) where there is vehicular access to the rear yard through a carport or garage, the larger side yard required by clause a) may be reduced to 1.5 metres (5 ft).

#### 5.1.5.4 Height of Main Building or Structure

No main building or structure may not exceed 10.7 metres (35 ft) in height.

#### 5.1.5.5 Accessory Buildings and Structures

(i) No accessory building or structure may:

a) exceed 6.5 metres (21 ft) in height;

b) be placed, erected or altered so that it:

i) is within the front yard of the main building or structure,

ii) in relation to a side lot line,

- a) is within 1.5 metres (5 ft) of a side or rear lot line, or within 1.5 metres ( 5 ft) of a side line when it is located closer to a street line than 14 metres (46 ft), in the case of a lot mentioned in Section 5.1.5.2 (a).
- b) is within 1.5 metres (5 ft) thereof, in the case of a lot mentioned in Section 5.1.5.2 (b).
- c) obstructs the access to the rear yard provided by the side yard requirements for the main building or structure, in the case of any lot.

iii) in relation to the rear lot line,

- a) is within 1.5 metres (5 ft) thereof, in the case of a lot mentioned in Section 5.1.5.2 (a), or
- b) is within 1.5 metres (5 ft) thereof, in the case of a lot mentioned in Section 5.1.5.2 (b)

- c) exceeds  $84 \text{ m}^2$  ( $904 \text{ ft}^2$ ) in ground floor area in the case of a lot mentioned in Section 5.1.5.2 (a) and (b), except as otherwise specified in this Plan.

- (ii) Not more than 12 % of the area of a lot may be occupied by accessory buildings and structures.

#### 5.1.5.6 Lot Occupancy

Buildings and structures including accessory buildings on a lot shall not occupy a greater portion of the area of a lot mentioned in Section 5.1.5.2 (a) and (b):

- (i) in the case of an interior lot 45 percent.
- (ii) in the case of a corner lot, 40 percent.

#### 5.1.5.7 Landscaping Requirements

With respect to landscaping,

- (a) the provisions of subsection 4.2.10 apply, in the case of a lot mentioned in 5.1.5.2 (a)



- (b) the provisions of subsection 4.2.10 apply to only one-half of the width of the front yard of a main building, in the case of a lot mentioned in section 5.15.2 (b).

#### 5.1.5.8 Other Requirements for secondary uses

- (1) A kennel or veterinary hospital is not permitted unless:

- (b) it is set back at least 60 metres (196 ft) away from the street line and 45 metres (148 ft) away from any property line.

- (2) A private stable is subject to the following standards:

- (a) a private stable shall not be located on a except where the proposed use is setback

- (i) 18 metres (59 ft) of a street line,
- (ii) 6.1 (20 ft) metres of a side lot or rear lot line,
- (iii) 9 metres (30 ft) of a main building on the same lot, or
- (iv) 24 metres (79 ft) of any residence on an adjacent lot; and

- (b) a private stable shall not exceed 100 m <sup>2</sup> (1076 ft <sup>2</sup>) in floor area

- (3) No development shall be permitted for a convenience store use except where:

- (i) it has a maximum gross floor area of 200 m <sup>2</sup> (2153 ft <sup>2</sup>);
- (ii) it does not dispense gasoline or other petroleum products for the use by automotive vehicles.

### PART 6 PROVISIONS FOR ALL COMMERCIAL ZONES

#### 6.1 Illumination

Where yard lights are provided in connection with a commercial use, all such lighting shall be directed inwardly toward the subject lot.

#### 6.2 Screening of Commercial Uses

Where a lot in a NC zone abuts a residential zone, or use, such lot shall not be developed for a commercial use unless a screening facility, such as an earth berm, a solid hedge or solid fence or a combination thereof, is provided and maintained along the common property lines.

### 6.3 Accessory Buildings and Structures

No accessory building or structure may:

- (a) exceed 4.3 metres (14 feet) in wall height;
- (b) be placed, erected or altered so that it is
  - (i) closer to the street at the front of the lot than the rear of the main building or structure,
  - (ii) within 1.5 metres (5 feet) of a side or rear lot line; or
- (c) be used for agricultural purposes or for the keeping of animals other than household pets.

## PART 7 COMMERCIAL ZONES

### 7.1.1 NC (Neighbourhood Commercial) Zone

Any land, building or structure may be used for the purpose of and for no other purpose than:

#### 7.1.1.1 NC Zone Permitted Uses

- (a) One of the following main uses:
  - a convenience store
  - a personal service shop
  - a video rental shop
- (b) Secondary Use                      A residential use units provided that the living accommodation is in conjunction with any main use, provided the residential use is not located on the ground floor frontage.
- (c) Accessory Use                      any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 6.3, if such main use is permitted by this section.
- (d) Community Use                      The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses.
  - (i) a public park
  - (ii) places of worship
  - (iii) fire and police stations
  - (iv) nursing/senior citizens homes

- (v) other health related facilities to meet the needs of the community and special groups within the community; and
- (vi) other types of institutional use

#### 7.1.1.2 NC Zone Requirements

Notwithstanding 7.1.1.1 (a), within a NC Zone the maximum of gross floor area of the use is limited to 200 m<sup>2</sup> (2150 ft<sup>2</sup>)

#### Standards for Neighborhood Commercial Uses

- (a) the minimum lot area is 743 square metres (8000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 24 metres (80 ft);
- (c) the minimum lot depth is 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6.1 metres ( 20 ft);
- (f) the minimum side yard is 2 metres (6.5 ft);
- (g) the maximum height of the main building is 8.5 metres (28 ft);.
- (h) the maximum lot coverage is 45 % in the case of a corner lot and 50 % in the case of an interior lot;
- (i) minimum landscaped open space, 50% of all yards abutting a street or residential zone.

### **7.1.2 GC (General Commercial) Zone**

#### 7.1.2.1 GC Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

- (a) One or more of the following main uses:
  - an automobile/vehicle sales operation
  - a bank or other financial institution
  - a funeral home
  - a hotel, motel or motor inn
  - an institution, including but not limited to a group home, medical or veterinary clinic or agency of an educational, social or philanthropic nature
  - a municipal or other government office
  - a museum, library or cultural centre, or similar use
  - a nursing home

- an office use
- a personal service shop
- a parking lot
- a restaurant
- a retail or wholesale store, service or shop
- a theatre
- a service station
- an establishment for garden and nursery sales and supplies

(b) Community Use                      The Committee may authorize, subject to terms and conditions, any combination of the following community uses.

- (i) a public park
- (ii) places of worship
- (iii) fire and police stations
- (iv) nursing/senior citizens homes
- (v) other health related facilities to meet the needs of the community and special groups within the community; and
- (vi) other types of institutional uses.

(c) Secondary use                      a single unit dwelling  
a rooming house, boarding house, bed & breakfast/ tourist home in conjunction with a single unit dwelling.

(d) Accessory Use                      Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 6.3, if such main use is permitted by this section.

#### 7.1.2.2                      GC Zone Development Subject to Terms and Conditions

The Committee may permit, subject to terms and conditions, the following uses:

- (a) a bus or other public transportation terminal
- (b) a public garage
- (c) a laundry
- (d) an entertainment use

### 7.1.2.3

#### GC Zone Requirements

Where uses are permitted as Commercial Uses:

- (a) the minimum lot frontage is 18 metres (60 ft) for an interior lot;
- (b) a wall containing a window to a habitable room is closer to a side or rear lot line than 1.5 metres (5 ft);
- (c) front yard setback is 7.6 metres (25 ft) except for an infill lot in an existing commercial area where the front yard setback is 1.5 metres (5 ft)
- (d) the maximum height of the main building 15 metres (50 ft)

## **7.1.3 HC (Highway Commercial) Zone**

### 7.1.3.1 HC Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

(a) One or more of the following main uses:

- an automotive/vehicle repair outlet
- an automobile/vehicle sales room and outdoor display court
- a bank or other financial institution
- a billboard or other advertising sign
- a car wash
- a gas bar
- a food store
- a funeral home
- a hotel, motel or motor inn
- an indoor recreational establishment including, but not limited to premises for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema facilities
- a medical, dental and veterinary clinic / office
- a museum, library or cultural centre, or similar use
- a nursing home
- an office use
- a personal service shop
- a parking lot, building or structure
- a restaurant, including drive-in and drive-thru

- a retail bakery
- a retail or wholesale store, service or shop
- a service station
- a shopping centre
- a theatre
- a public garage
- a building supply outlet
- a multiple unit dwelling

(b) Community Use                      The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses.

- (i) a public park
- (ii) places of worship
- (iii) fire and police stations
- (iv) nursing/senior citizens homes
- (v) other health related facilities to meet the needs of the community and special groups within the community; and
- (vi) other types of institutional uses.

(c) Accessory Use                      Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 6.3, if such main use is permitted by this section.

#### 7.1.3.2                      HC Zone Development Subject to Terms and Conditions

The Committee may permit, subject to terms and conditions, the following uses

- (a) a bus or other public transportation terminal
- (b) a trailer or mobile home sales lot
- (c) a building supply store and associated lumber yard
- (d) additional main buildings on a lot
- (e) an entertainment use

### 7.1.3.3

### HC Zone Requirements

#### HC Standards

- (a) the minimum lot area is 1000 m<sup>2</sup> (10,765 ft<sup>2</sup>) for an interior lot; 1200 square metres (12,917ft<sup>2</sup>) for a corner lot;
- (b) the minimum lot frontage is 24 metres (80 ft) for an interior lot; 30 metres (100 ft) for a corner lot;
- (c) the front or flankage yard is 9 metres (30 ft);
- (d) the minimum rear yard is 6.1 metres (20 ft);
- (e) the minimum side yard is 3.0 metres (9.8 ft) on one side and 6.0 metres (19.7 ft) on the other side;
- (f) the maximum height of the main building is 10.6 metres (35 ft)
- (g) the maximum lot coverage is 45 %;

## PART 8

### PROVISIONS FOR ALL INDUSTRIAL ZONES

#### 8.1 Landscaping Requirements

The required front yard shall be landscaped, excepting the driveways and parking areas. In the case of a corner lot, the side yard abutting a side street shall be landscaped to a depth of 6 metres. The required landscaped area shall be grassed and trees and/or shrubs shall be planted at a minimum rate of one (1) tree or shrub for each 14 square metres (150 square feet) of the minimum landscaped area. Where possible existing trees/shrubs shall be maintained. Where an industrial use abuts a residential use or zone, the same requirements as for a corner lot apply.

#### 8.2 Outdoor Storage

- (a) Where any permitted use includes outdoor storage, the land used for such storage shall be screened from the street by a wall or decorative solid board fence not less than 2 metres (6.6 ft) and not more than 2.5 metres (8.2 ft) in height.
- (b) No material shall be piled higher than the height of the surrounding fence.

#### 8.3 Salvage or Waste Disposal Facility, Recycling Depot or Junk Yard

Where land is used for the storage of scrap, recycling or automotive materials, the following shall apply:

- (a) The whole of the operation shall be surrounded by a solid fence, not less than 3 metres (9.8 ft) and not greater than 5 metres (16.4 ft) in height, unpierced except for gates necessary for access.

- (b) The fence shall be located at least 6 metres (19.7 ft) from the front line and 1.5 metres (5 ft) from side and rear lot lines, and the land between the fence and any lot line, not required for entrance and exit driveways, shall only be used for landscaping.
- (c) No material shall be piled higher than the height of the surrounding fence.

## PART 9 INDUSTRIAL ZONES

### 9.1.1 IND (Industrial) Zone

#### 9.1.1.1 IND Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

(a) One or more of the following main uses:

- a light manufacturing, assembly or processing operations which are conducted and wholly contained within a building
- a transportation, warehousing or storage establishment
- a retail, wholesale operations and personal service shops
- an office use
- an indoor recycling depot
- a restaurant
- an indoor commercial recreation use
- a sawmill
- a scrap yard
- a steel fabricating plant
- an asphalt plant

(b) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure if such main use is permitted by this section.

(c) Community Use The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses

- (i) a public park
- (ii) places of worship



- (iii) fire and police stations
- (iv) other types of institutional uses
- (v) post secondary education uses and facilities

#### 9.1.1.2 IND Zone Requirements

- (a) the minimum lot area is 1, 672 m<sup>2</sup> (18,000 ft<sup>2</sup>)
- (b) the minimum lot frontage is 36 metres (120 ft)
- (c) the minimum lot depth is 45 metres (150 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft)
- (e) the minimum side yard is 3.0 metres (10 ft); or ½ the height of the main building, whichever is greater, to a maximum of 9 metres (29.5 ft);
- (f) the minimum rear yard is 3.0 metres (10 ft); or ½ the height of the main building, whichever is greater, to a maximum of 9 metres (30 ft);
- (g) the maximum height of the main building is 15 metres (50 ft).

#### 9.1.1.3 Requirements for Accessory Building and Structures

Except for a gate-keeper or security office not exceeding 9 m<sup>2</sup> (96.9 ft<sup>2</sup>) in size, no accessory building or structure may be placed, erected or altered so that, in relation to the main building or structure it is:

- (i) within the front yard thereof; or
- (ii) within 3 metres (9.8 ft) of a side or rear lot line.

#### 9.1.1.4 Industrial Zone Other Requirements

Within any Industrial Zone, no use shall be permitted except in conformity with the following:

- (a) Where any IND Zone abuts a Residential zone, no portion of any parking space or storage yard shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space or storage yard shall be located within 1.5 metres (5 ft) of the side or rear lot line.
- (b) Outside storage shall be permitted and shall be screened from the street by a wall or decorative fence not less than 2 metres (6.6 ft) and not more than 2.5 metres (8.2 ft) in height. No material shall be stacked higher than the height of the surrounding fence. Where feasible, existing trees shall be preserved.

### PART 10 INSTITUTIONAL

## 10.1.1 I (Institutional) Zone

### 10.1.1.1 I Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

(a) One or more of the following main uses:

- a building intended for public assembly or for social, cultural or recreational activities, or for an educational or institutional use, or similar use
- a church and other religious institutions including cemeteries or crematories and similar uses
- a day care centre
- a government building and uses (federal, provincial and municipal)
- a group home or institutional residence
- a hospital or health services building
- a park, open space, playground, golf club or other recreational use
- a TV or radio tower

(b) Accessory Use                      Any accessory building, structure or use, incidental to the main use of the land, building, or structure if such main use is permitted by this section.

(c) Landscaping                        Where any institutional use abuts a residential use or zone, the same requirements as for industrial use described in Section 8.1 shall apply

### 10.1.1.2 I Zone Requirements

- (a) the minimum lot area is 1,672 m<sup>2</sup> (18,000 ft<sup>2</sup>)
- (b) the minimum lot frontage is 36 metres (120 ft)
- (c) the minimum lot depth is 45 metres ( 150 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft)
- (e) the minimum side yard is 3.0 metres (10 ft); or 1/2 the height of the main building, whichever is greater ,to a maximum of 9 metres (29.5 ft);
- (f) the minimum rear yard is 3.0 metres (10 ft); or 1/2 the height of the main building, whichever is greater, to a maximum of 9 metres (30 ft);
- (g) the maximum height of the main building is 15 metres (50 ft).

## PART 11      PARK AND RECREATION

### 11.1.1      PR (Park and Recreation) Zone

#### 11.1.1.1      Park and Recreation Zone (PR) Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

(a) One or more of the following main uses:

- a cemetery, crematoria, funeral home or similar use
- public park, including playground, sport or recreational establishment
- outdoor recreational use, including but not limited to a public or private golf course and ancillary uses and facilities
- a linear open space trail
- interpretive uses associated with areas of natural or scientific interest

(b) Accessory Use                      Any accessory building, structure or use, incidental to the main use of the land, building, or structure if such main use is permitted by this section.

#### 11.1.1.2              PR Zone Requirements

Where appropriate, the following requirements shall apply:

- (a) the front or flankage yard is 15 metres (50 ft);
- (b) the minimum rear yard is 11 metres (36 ft);
- (c) the maximum height of the main building is 10.7 metres (35 ft); and
- (b) the minimum side yard is 11 metres (36.1 ft).

## PART 12      OPEN SPACE

### 12.1.1      OS (Open Space) Zone

#### 12.1.1.1      Open Space (OS) Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than: :

(a) One or more of the following main uses:

- a park
- an interpretive use associated with areas of natural or scientific interest
- agricultural uses that do not include structures
- a linear open space trail
- public works associated with flood control

(b) Accessory use

Any accessory building, structure or use, incidental to the main use of the land, building, or structure if such main use is permitted by this section, provided that the accessory building or structure is not located within 15 metres (50 feet) of a watercourse.

#### 12.1.1.2 OS Zone Requirements

- (a) the front or flankage yard is 6.1 metres (20 ft);
- (b) the minimum rear yard is 4.5 metres (15 ft);
- (c) the minimum side yard is 3.0 metre (10 ft);
- (d) the maximum height of the main building is 10.7 metres (35 ft); and
- (e) the maximum lot coverage is 10 %.

### PART 13 RURAL AREA

#### 13.1.1 RA (Rural Area) Zone

##### 13.1.1.1 RA Zone Permitted Uses

Any land, building or structure may be used for the purpose of and for no other purpose than:

(a) Residential Use

a single unit dwelling

(b) Rural Use

- an agricultural use, greenhouse or the raising of livestock
- a forestry use, sawmill or wood working yard
- a kennel or veterinary hospital
- a government use
- a stable or riding school
- a veterinary hospital
- a park

- outdoor recreational uses including, but not limited, to a public or private golf course and ancillary uses and facilities
- a linear open space trail
- an educational facility
- a place of worship
- a sand and gravel pit

(c) One of the following secondary uses:

- a boarding house, rooming house or tourist home
- a home occupation
- a home business
- a private stable
- a roadside stand for the sale of agricultural produce
- a garden centre
- a bed and breakfast / tourist home
- a neighbourhood daycare centre

(d) Accessory Use

No accessory building or structure may

- (a) exceed 11 metres (35 ft) in height;
- (b) be placed erected or altered so that it is:
  - (i) except in the case of an agricultural or forestry use, within the front yard of the main building or structure;
  - (ii) in the case of an agricultural or forestry use, within 7.6 metres (25 ft) of a street line;
  - (iii) within a distance of side or rear lot line of the greater of 3 metres (10 ft) or one half the height of the building or structure.

13.1.1.2

RA Zone Requirements - Residential Use - Unserviced

- (a) the minimum lot area is 4,000 m<sup>2</sup> (1 acre);
- (b) the minimum lot frontage is 54 metres (180 ft);
- (c) the minimum lot depth is 38 metres (125 feet);
- (d) the front or flankage yard is 15.2 metres (49.9 ft);
- (e) the minimum rear yard is 7.0 metres (23 ft);

- (f) the minimum side yard is 7.0 metres (23 ft);
- (g) the maximum height of the main building is 8.5 metres (28 ft).

#### 13.1.1.3 RA Zone Requirements - Rural Use

- (a) the minimum lot area is 2.025 ha (5 acres);
- (b) the minimum lot frontage is 152 metres (498.7 ft);
- (c) the front or flankage yard is 15.2 metres (49.9 ft);
- (d) the minimum rear yard is 7.0 metres (23 ft);
- (e) the minimum side yard is 7.0 metres (23 ft);
- (f) the maximum height of the main building is 26 metres (85.3 ft).

### PART 14 FLOOD RISK AREA - MANAGEMENT

#### 14.1.1 FW (Floodway) Zone

Any land, building or structure may be used for the purpose of and for no other purpose than:

##### 14.1.1.1 FW Zone Permitted Uses

- (a) One or more of the following main uses:
  - open space uses and outdoor recreation uses
  - interpretive uses associated with areas of natural or scientific interest
  - a linear open space trail or pathway
  - public works associated with flood control
  - water and sewer distribution uses
  - parking lots

##### 14.1.1.2 Existing Uses and Structures

- (a) All uses and structures not otherwise permitted in the Floodway (FW) Zone, existing on the effective date of this Plan, shall be permitted to continue, and may be flood proofed. Any vacant lots shall be zoned as Open Space (OS).

#### 14.1.1.3 Placement of Fill in the FW Zone

In the Floodway (FW) Zone no placement of off-site fill shall be permitted except associated with a permitted use which is required to meet the flood proofing standards set out in Section 14.1.2.4.

#### 14.1.1.4 FW Zone Requirements

##### Standards

- (a) the minimum lot area is 742 m<sup>2</sup> (8000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 24.4 metres (80 ft);

14.1.1.5 Notwithstanding 14.1.1.4, minimum standards as described under Provincial Flood Plain regulation shall represent the minimum standard for lot area.

#### 14.1.2 FWF (Floodway Fringe) Zone

Any land, building or structure may be used for the purpose of and for no other purpose than:

14.1.2.1 One or more of the following main uses:

commercial uses such as small-scale retail, convenience store or similar uses,  
an office use  
open space uses  
interpretive uses associated with areas of natural or scientific interest  
a linear open space trail or pathway  
public works associated with flood control  
water and sewer distribution uses  
parking lots

#### 14.1.2.2 Existing Uses and Structures

- (a) All uses and structures not otherwise permitted in the Floodway Fringe (FWF) Zone, existing on the effective date of this By-law, shall be permitted to continue, and may be flood proofed. Any vacant lots shall be zoned open Space (OS).
- (b) All uses and structures not otherwise permitted in the Floodway Fringe (FWF) Zone, existing on the effective date of this By-law, shall be allowed in accordance with the following provisions:

- (i) existing uses and structures, except residential institutions and uses involving the warehousing or production of hazardous material, may be expanded provided the expansion does not increase the area of any structure at or below the required flood proof elevation of 83.2 metres.
- (ii) notwithstanding sub-clause (i) additions to existing structures in the form of unenclosed porches, steps, patios and similar structures shall be permitted.

#### 14.1.2.3 Placement of Fill in the FWF Zone

In the Floodway Fringe (FWF) Zone no placement of off-site fill shall be permitted except associated with a permitted use which is required to meet the flood proofing standards associated with a permitted use as set out in Section 14.1.2.4.

#### 14.1.2.4 Flood Proofing Standards

No development shall be permitted in the Floodway Fringe (FWF) Zone unless the requirements of either clause (a) or (b) are met:

- (a) no enclosed portion of a structure shall be below the required floodproof elevation of 83.2m, or shall be adequately flood proofed as determined by a qualified engineer; or
- (b) any enclosed portion of a structure which is at or below the required floodproof elevation shall conform to the following requirements:
  - (i) there shall be no openings in the external wall of the structure (e.g. windows and doors) below the required floodproof minimum elevation;
  - (ii) fill, where permitted by this Plan, shall be placed around the perimeter of the structure to a height not less than the required floodproof elevation, for a distance of not less than 3 metres and not greater than 6 metres perpendicular to the perimeter of the structure; and
  - (iii) the perimeter of the fill shall be stabilized by:
    - (1) fill at a slope of 1 to 1; or
    - (2) such other flood proofing measures as determined by a qualified engineer.



14.1.2.5 Notwithstanding the requirements of 14.1.2.4 for flood proofing standards, Provincial Flood Plain regulations respecting minimum standards for flood proofing shall apply.

14.1.2.6 FWF Zone Requirements

Standards:

- (a) the minimum lot area is 742 m<sup>2</sup> (8000 ft<sup>2</sup>);
- (b) the minimum lot frontage is 24.4 metres (80 ft);
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6.1 metres (20 ft);
- (f) the minimum side yard is 2 metres (6 ft);
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

14.1.2.7 Notwithstanding 14.1.1.5, minimum standards as described under Provincial Flood Plain regulation shall represent the minimum standard for lot area.

PART 15 SIGN REGULATIONS

15.1.1 Definitions

SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any “signs” which is affixed to the inside of a window or glass door.

- (a) Sign, Billboard means a large ground sign or fascia wall sign which is not related to any business or use located on the lot or premises.
- (b) Sign, Facia wall means a sign which is attached to and supported by a wall of a building.
- (c) Sign, Freestanding means any sign supported independently of a building and permanently fixed to the ground.

- (d) Sign, Illuminated means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
- (e) Sign, Mobile means any sign fixed to a wheeled structure and designed to be moveable.

#### 15.1.2 Signs Permitted in all Zones

The following signs shall be permitted in all zones and no permit shall be required for their erection:

- (a) any sign which has an area of no more than 0.45 square metres (4.8 square feet) and which identifies the name and address of a resident.
- (b) any sign which has an area of no more than 0.45 square metres (4.8 square feet) and which regulates the use of property, as do "no trespassing" signs.
- (c) any real estate sign (non-illuminated) which has an area of no more than 0.75 square metres (8.1 square feet) in any residentially designated area or 2.2 square metres (23.7 square feet) in any other zone.
- (d) any sign which has an area of no more than 0.45 square metres (4.8 square feet) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
- (e) any sign which has an area of no more than 4.6 square metres (49.5 square feet) and which is incidental to construction.
- (f) any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
- (g) any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
- (h) any memorial sign, plaque or tablet.
- (i) any sign that announces a candidate for public office in a municipal, provincial or federal election.

#### 15.1.3 Other Signs

Any other signs shall be permitted, provided it meets the specific sign provisions outlined in the plan, except a sign;

- (a) the structure of which constitutes a hazard to public safety or health, or
- (b) which for any reason obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets, or
- (c) which obstructs free ingress to or egress from a fire escape door, window or other required exit, or
- (d) which is located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.

- (e) which is not erected by, or under the direction of, a government body and which makes use of words such as "STOP", "LOOK", "DANGER", "ONE WAY" or "YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.
- (f) such as searchlights, string lights, spinners or streamers except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations for a period not to exceed fourteen (14) days.
- (g) painted on a tree, stone, cliff or other natural object.
- (h) which is not related to any business or use located on the lot or premises. This is referred to as third party signage and will only be permitted where an application has been submitted to Council by the owner of a business which is not located on an existing collector street as identified in Section 3.1.32 and for which the third party owner agrees to his/her property being used for such a sign.
- (i) any sign which no longer advertises a bonafide business conducted or a product sold. Such signs are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product.

#### 15.1.4 Sign Permit Required

No person shall construct, erect, display, alter or relocate a sign and no person being the owner or lessee of property shall permit, suffer or allow the construction, erection, display, alteration or relocation of a sign on such property without a sign permit first having been obtained in accordance with the provisions of this Plan.

#### 15.1.5 Sign Permit Fee

A \$ **25.00** permit fee shall be submitted for each sign for which a permit is required under the provisions of this Plan.

#### 15.1.6 Specific Sign Provisions for Specific Zones

##### 15.1.6.1 In a Commercial or Industrial Zone, the following signs may be placed, erected or displayed:

- (a) a sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein, provided the gross surface area does not exceed:
  - (i) the product of the lineal frontage of the lot on which the building is located, multiplied by two, in the case of a non-illuminated sign,
  - (ii) one-half the size permitted under subclause (i), in the case of an illuminated sign; or

- (b) a free-standing sign not exceeding 3.8 m<sup>2</sup> (40 square feet) in gross surface area, in the case of a service station or similar use.

15.1.6.2 In a Rural Area Zone the following signs may be placed, erected or displayed:

- (a) one sign not exceeding 3.8m<sup>2</sup> ( 40 square feet) in gross surface area indicating the name of a farm; and
- (b) one sign not exceeding 1.7m<sup>2</sup> (18 square feet) in gross surface area indicating the sale or rental of the property on which it is placed.

15.1.7 Non-Conforming Signs

The provisions of this Plan with respect to existing signs which do not conform to the Plan at the time of its effective date shall not be construed to have a retroactive effect, except that relocation, alteration, or removal of any such non-conforming signs shall render such signs subject to the provisions of this Plan. The provisions of this section shall not exempt the owner of a non-conforming sign from the obligations for proper maintenance of such sign.

15.1.8 Abandoned and Unlawful Signs

- (a) No person being the owner lessee of property upon which a sign is located shall permit, suffer or allow such sign, its faces, supports, electrical systems or anchorage to become unsightly, dilapidated or unsafe.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with the Building By-law and relevant fire and electrical codes. A sign, which in the opinion of the Development Officer, has become unsightly, or is in such a state of disrepair as to constitute a hazard, may be required to be removed.
- (c) Any sign which no longer advertises a bonafide business or service on the premises shall be removed within sixty (60) days of termination of such business or service.

15.1.9 Number of Signs

- (a) For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premises.

- (b) For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs. Where matter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.
- (c) No more than two (2) signs shall be erected on any premises at any one time. For the purposes of this Section, signs enumerated in Section 15.1.2 shall not be counted.

## PART 16.0 ADMINISTRATION

### 16.1.1 Classification

- (1) For the purpose of the Municipal Plan, the municipality is divided into zones as delineated on the plan attached as Schedule A, entitled “Village of Perth-Andover Zoning Map”.
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:
  - a) Residential Zones
    - (i) R-1 (Single Unit, Two Unit Dwelling) Zone
    - (ii) R-2 (One Unit, Two Unit and Multiple Unit Dwelling) Zone
    - (iii) RM -1 (Mobile Home) Zone
    - (iv) RM - 2 (Mini-Home) Zone
    - (v) RR (Rural Residential) Zone
  - b) Commercial Zones
    - (i) NC (Neighbourhood Commercial) Zone
    - (ii) GC (General Commercial) Zone
    - (iii) HC (Highway Commercial) Zone
  - c) Industrial Zones
    - IND (Industrial) Zone
  - d) Institutional Zones
    - I (Institutional) Zone
  - e) Park and Recreation Zones
    - PR (Park and Recreation) Zone
  - f) Open Space Zones
    - OS (Open Space) Zone
  - g) Rural Area Zones

RA (Rural Area) Zone

- h) Flood Risk Area Management Zones
  - i) FW (Floodway) Zone
  - ii) FWF (Floodway Fringe) Zone

16.1.2 Powers of Council

(1) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.

(2) When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may

- (a) require the improvement, removal or demolition of such building or structure at the expense of the owner thereof; or
- (b) acquire the parcel of land on which such building or structure is located.

(3) Subject to subsection (5), within any zone mentioned herein, the Council may

- (a) designate land to be used for the location or erection of any installation for the supply of electricity, water or sanitary or storm sewers, or for the treatment or disposal of sewerage wastes; and
- (b) use land designated under clause (a) for a purpose therein mentioned.

(4) No land may be designated or used for the purposes of subsection (3) unless, in the opinion of Council,

- (a) such land is essential to the operation of the service concerned; and
- (b) any development thereon in a Residential or Institutional Zone is adequately screened from public view.

(5) Notwithstanding any other provision of this by-law, the Council may, in its discretion, allow a developer of a building or structure to pay to the municipality the sum of \$200.00 per space in lieu of providing the off-street parking required hereunder.

16.1.3 Special Powers of the Advisory Committee

- (1) No building or structure may be erected on any site where it would otherwise be permitted under this by-law when, in the opinion of the Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) The Advisory Committee may, subject to such terms and conditions as it considers fit,
  - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this Plan; and
  - (b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.

16.1.4 Amendments

- (1) A person who seeks to have the Municipal Plan or Zoning By-law amended shall
  - (a) address a written and signed application in duplicate therefor to the Council or the Advisory Committee; and
  - (b) pay a fee of **\$250** payable to the Council.
- (2) The Council may, if it deems fit, return all or any part of the fee mentioned in subsection (1).
- (3) An application under this section shall include such information as may be required by the Council or Advisory Committee for the purpose of adequately assessing the desirability of the proposal.
- (4) The council may refuse to consider an application under this section if such application:
  - (a) seeks to re-zone an area of land from one type of zoning to another; and
  - (b) if such application has not been signed by the owner, or if more than one, all the owners of each property in respect or which the re-zoning application is made.
- (5) Before giving its views to the Council with respect to an application under this section, the Advisory Committee may carry out investigation as it deems necessary.

(6) Unless, upon the advice of the Advisory Committee, the Council is of the opinion there is valid new evidence or change in conditions, where an application under this section has been refused by the Council, no further application may be considered by the Council for one year if such application

- (a) in the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or
- (b) not being in relation to re-zoning, is similar to the original application.
- (c) seeks to re-zone an area of land

16.1.5 Exceptions

Notwithstanding the provisions of this by-law, the terms and conditions adopted by the Village of Perth-Andover under By-laws 53 and 60 shall be carried forward and shall apply to PID# 65044836 being located at 392 and 394 East Riverside Drive.



